



U.S. Department of Justice

*United States Attorney
Northern District of California*

*11th Floor, Federal Building
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495*

*(415) 436-7200
FAX: (415) 436-7234*

January 24, 2008

The Honorable Maxine M. Chesney
United States District Court
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

Re: United States v. Daniel Hickey, CR 07-0634 MMC

Dear Judge Chesney:

On November 28, 2007, defendant Hickey pleaded guilty to one violation of 18 U.S.C. § 2252(a)(4)(B) (possession of child pornography). Defendant is scheduled to be sentenced by this Court on March 5, 2008. There is no plea agreement in this case.

In anticipation of sentencing, the United States respectfully requests that this Court review the images that defendant saved and stored on his computer and that form the basis of this prosecution. While undoubtedly appropriate in all cases involving child pornography, this Court's review of the images is especially critical in this case. The photographs found on defendant's computer include child pornography of the most egregious kind. This Court will ultimately sentence defendant based on "the nature and circumstances of the offense and the history and characteristics of the defendant." 18 U.S.C. § 3553(a); *Gall v. United States*, __ U.S. __, slip op. at 11 (2007). Given the range of material that potentially falls within the ambit of 18 U.S.C. § 2252(a), the United States respectfully suggests that the nature of the offense in this case cannot be assessed without having reviewed at least some of the images found on defendant's computer.

The United States would of course arrange for a place and time for the images to be viewed at the Court's convenience.

Very truly yours,

JOSEPH RUSSONIELLO
United States Attorney


ALLISON DANNER
Assistant United States Attorney

cc: Elizabeth Falk, Esq.
Jessica Goldsberry, U.S.P.O.
Denise Gaztambide, F.B.I.